

2004/05



Annual Report

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Employment
and Assistance
Appeal Tribunal

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106-03024/

November 2005

Honourable Claude Richmond
Minister of Employment and Income Assistance

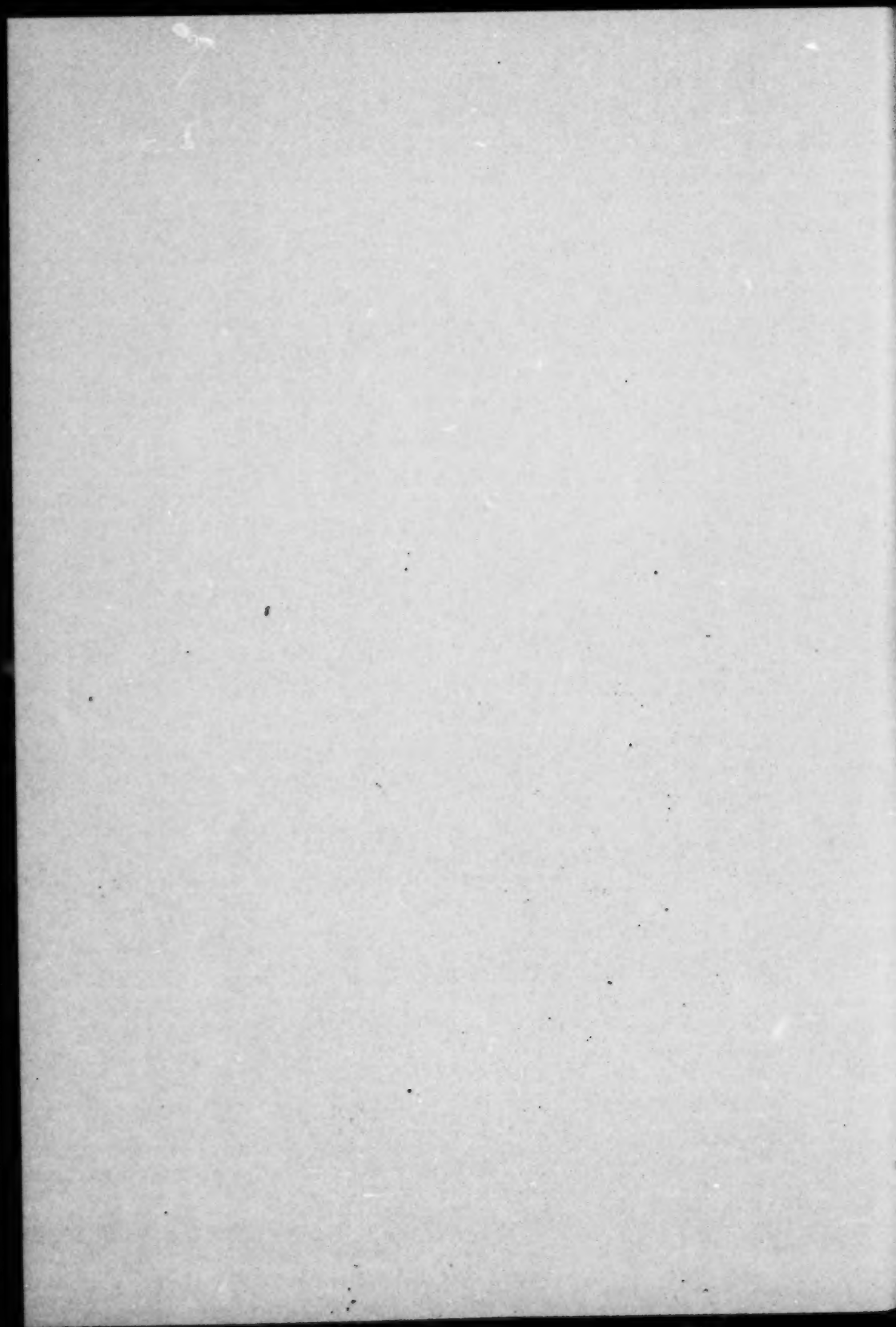
I have the honour to transmit herewith my annual report to you, in accordance with section 20(1) of the Employment and Assistance Act.



Brian Gifford
Chair, Employment and Assistance Appeal Tribunal

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Message from the Chair

It is a pleasure to present the third annual report of the Employment and Assistance Appeal Tribunal.

The Employment and Assistance Appeal Tribunal has had a busy and productive year. During our reporting period, we received 1,678 Notices of Appeal, 36% more than last year. I am pleased to be able to report that, despite this large increase in appeals, the Employment and Assistance Appeal Tribunal continued to meet our statutory timeframes, and to meet service plan targets.

While the main focus of the past year has, of course, been on our appeals and meeting our targets, the tribunal has managed to recruit new members, reappoint existing members, and continue the training of our roster of panel members by providing workshops on decision-writing. These workshops were facilitated by our vice-chair, Richard Morley, and myself, and will be continued into the next year to ensure that we reach as many of our members as possible. I believe that ongoing training for panel members is important, and that these workshops will result in increasingly improved decisions.

For the 2004/05 fiscal year, the Employment and Assistance Appeal Tribunal has seen a budget decrease of 26%, from approximately \$2.4 to \$1.8 million. Staff and panel members have been working beyond full capacity during this last year. If the number of appeals remains constant or increases, this level of service will not be sustainable. We may then need to address the issue of budgets and staff resources.

This last year also saw our first judicial review decision. In *McIntyre v. Employment & Assistance Appeal Tribunal*, the court found that there were no grounds upon which to disturb the panel's decision, and the petition was dismissed. This case set the standard of review for the tribunal, and is indicative of the careful analysis and high level of decision-making by our panels.

I want to thank all our panel members and our staff for their extremely hard work over the last year. Everyone has been stretched to continue to meet targets and timeframes while continuing to provide a fair and accessible appeal process, and I am grateful for the extra effort by all.

Brian Gifford
Chair, Employment and Assistance Appeal Tribunal

OUR MISSION

The mission of the
Employment and Assistance
Appeal Tribunal is to provide
an accessible appeal process
that delivers timely and
fair decisions reviewing
determinations of the
Ministry of Employment and
Income Assistance.

1 Who We Are and What We Do

The Employment and Assistance Appeal Tribunal was established on September 30, 2002. The tribunal hears appeals of most types of decisions about assistance made by the Ministry of Employment and Income Assistance.* It provides a streamlined and efficient one-step appeal process, and is independent of the ministry.

The tribunal consists of a tribunal chair and vice-chair, staff, and a roster of panel members located throughout the province. Three people are chosen from the roster by the tribunal chair to hear each appeal. The tribunal currently has 237 panel members. (A list of tribunal staff is included in Appendix A, and a list of panel members is included in Appendix B.)

The Employment and Assistance Appeal Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue assistance and/or a supplement under:

- Sections 17 and 18 of the Employment and Assistance Act
 - Sections 16 and 17 of the Employment and Assistance for Persons with Disabilities Act, and
 - Section 6 of the Child Care Subsidy Act.
-

Panel members

Employment and Assistance Appeal Tribunal panel members are selected from throughout the province to ensure that hearings can take place in every region. To be considered for appointment to the tribunal, candidates must have:

- an understanding of the essential elements for the conduct of a fair and objective hearing
- excellent analytical, communication and interpersonal skills
- very good writing skills and conflict resolution skills
- a proven ability to work well in group settings, and
- the ability to read and understand government legislation.

*The Ministry of Human Resources became the Ministry of Employment and Income Assistance in June 2005.

In addition, to ensure independence and hearings that are fair and just, panel members must not:

- be or have been an employee of the Ministry of Employment and Income Assistance for the past six months
- be an employee of the provincial government
- be a recipient of benefits under any of the acts for which the tribunal has responsibility, or
- have any real or perceived interest in matters that come before the tribunal.

Panel members are also required to commit to attending training, following the tribunal's practices and procedures, and maintaining confidentiality. All panel members have participated in an orientation training session before they can hear an appeal.

Note: In order to maintain a roster of appeal panel members throughout the province, the tribunal recruits new members from time to time. Anyone interested in being considered for appointment to the tribunal, should refer to either the Employment and Assistance Appeal Tribunal website (www.gov.bc.ca/eaat/popt/recruitment) or the Board Resourcing and Development Office website (www.fin.gov.bc.ca/oop/brdo/) for information on how to apply.

The appeal process

Before coming to the tribunal, people must first request a Ministry of Employment and Income Assistance reconsideration decision. People who apply for or receive assistance under the BC Employment and Assistance Program can ask for reconsideration of decisions that resulted in refusal, reduction or discontinuance of assistance, supplements or child care subsidies.

(More information about the ministry's reconsideration process is available from ministry offices and from the ministry's website, www.gov.bc.ca/eia.)

Those who disagree with an outcome of their request for reconsideration can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the tribunal within seven days of receiving their reconsideration decision.

On receiving a completed Notice of Appeal, the tribunal decides whether the matter can be appealed. Factors that are considered include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a three-person panel is appointed, and the hearing is commenced within 15 business days of the Notice of Appeal being delivered to the tribunal. Most hearings are conducted in person, usually

in or near the appellant's community. Hearings can also occur, however, by teleconference, or, if both parties consent, in writing.

The panel reviews the ministry's reconsideration decision and appeal record, considers the evidence provided by the appellant and the ministry, and renders a written decision generally within five business days of the hearing. The tribunal office sends a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel. Decisions of the tribunal are final.

Examples of tribunal decisions from 2004/05 are included in chapter 3, "What Our Decisions Look Like."

Appeal Process



How to Appeal

1. If you disagree with an outcome of the Ministry of Employment and Income Assistance's reconsideration process, and you wish to appeal to the Employment and Assistance Appeal Tribunal, get a Notice of Appeal form from your local ministry office, from the tribunal, or from the tribunal website (www.gov.bc.ca/eaat).
2. Complete the Notice of Appeal form and send it to the tribunal either by fax or by mail, **within seven business days of the day you received the ministry's reconsideration decision**. You may not begin an appeal after that time.
3. The tribunal will determine whether the matter can be appealed. If the matter can be appealed, a three-person panel will be appointed to hear your appeal, and the hearing will commence within 15 business days after the tribunal received your completed Notice of Appeal.

Type of hearing

4. The tribunal will attempt to accommodate your request for type of hearing, indicated on your Notice of Appeal: oral (in person or by teleconference) or in writing.

Oral hearing – In person

5. If your hearing is proceeding as an oral hearing in person, the tribunal will send you a Notice of Hearing at least two business days before the hearing is to take place, notifying you of the date, time and place of the hearing. Hearings will take place at a location within reasonable distance of the parties wherever possible. Both you and a ministry representative have the right to present evidence and make arguments in support of your case. You also have the right to call witnesses to give evidence related to material in the appeal record, and to have an advocate assist you during the appeal process.

Oral hearing – By teleconference

6. If your hearing is proceeding as an oral hearing by teleconference, you will receive from the tribunal a Notice of Hearing at least two business days before the hearing is to take place, notifying you of the date and time of the hearing and instructions for accessing the teleconference. As in an in-person oral hearing, you have the right to present evidence and make arguments in support of your case, to call witnesses to give evidence related to material in the appeal record, and to have an advocate assist you during the appeal process.

Written hearing

7. If you requested a written hearing, and the ministry agrees to a written hearing, the tribunal will send you a letter establishing a schedule for making a written submission to support your case. You will be given seven business days to provide your submission. On receiving your submission by the deadline, the tribunal will forward it to the Ministry of Employment and Income Assistance, and give the ministry seven days to provide a written response. The tribunal will then forward both submissions to the appeal panel for review.

Decisions of the appeal panel

8. The panel will provide the tribunal chair with a written decision within five business days of the conclusion of the hearing. Upon request of a panel chair, the tribunal chair may extend the time limit by no more than 10 additional days if the tribunal chair is satisfied that the panel is making all reasonable efforts to provide the tribunal chair with its determination in a timely manner, and the best interests of the parties are served by the extension. The decision will either confirm or rescind the ministry's reconsideration decision. The tribunal chair will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided by the tribunal over the telephone. Panel decisions are final.

Note: For more detailed information about the appeal process, go to the "Practices and Procedures" page of the tribunal's website.

OUR VISION

The Employment and Assistance Appeal Tribunal will be known for:

- providing an independent, community-based, accessible, fair, timely, caring and ethical process to hear appellants' disagreements with decisions of the Ministry of Employment and Income Assistance

- supporting panel members to provide quality service and raise community awareness and the profile of the tribunal

- creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.

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- ▢ supporting panel members to provide quality service and raise community awareness and the profile of the tribunal
- ▢ creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.

2 How We Did in 2004/05

In its annual service plan, the Ministry of Employment and Income Assistance establishes a performance measure, or target, for the Employment and Assistance Appeal Tribunal. The tribunal has adopted this target – 100% of appeals commenced within the 15-business day statutory time limit – for itself.

For the second year in a row, the tribunal has met its target. Meeting the target is especially significant this year: not only was there a 36% increase in Notices of Appeal received, but our budget was also cut by 26%. (Tribunal budget information is included in Appendix C.)

This year we experienced our first judicial reviews. Two reviews were dismissed by the court. In the third, *McIntyre v. Employment & Assistance Appeal Tribunal*, 2005 BCSC 1179, the decision of a panel confirming the former Ministry of Human Resources' decision to cancel physiotherapy treatment coverage for an appellant was found by Madam Justice Russell to be a "rational, well-thought-out decision that is based on a reasonable analysis of the relevant evidence and statutory requirements." The court found that there were no grounds upon which to disturb the panel's decision, and the petition was dismissed (see page 11).

Here is a brief summary of the results of our work for the reporting period October 1, 2004 to September 30, 2005.

Notices of Appeal received

Notices of Appeal received	1,678
Appeals assessed as not within the jurisdiction of the tribunal (i.e., not proceeding to hearing)	135
Appeals dismissed (before or during hearing)	73
Files carried over (i.e., Notice of Appeal received before September 30, 2005 but proceeding to hearing after or not assessed by September 30, 2005)	98

Notices of Appeal received – by type

Disabilities – Persons with disabilities (PWD)	374
Disabilities – Persons with persistent multiple barriers (PPMB)	469
Eligibility – Deductions on income/earnings exemptions	22
Eligibility – Dependency/living arrangements	44
Eligibility – Eligibility audit	9
Eligibility – Excess income/assets	57
Eligibility – Failure to accept/pursue income/assets	12
Eligibility – Failure to provide information/verification	30
Eligibility – Residency	1
Eligibility – Time limit for IA	5
Eligibility – Undeclared income/assets	6
Employment – Dismissed/quit/refused employment	22
Employment – Employment Plan/failure to look for work	206
Employment – Requirement for two year financial independence	11
Health Supplements – Dental supplement	28
Health Supplements – Diet/natal supplements	6
Health Supplements – MSP/Other health supplements	11
Health Supplements – Medical Equipment	64
Health Supplements – Medical Supplies	23
Health Supplements – Medical Transportation	17
Health Supplements – Monthly Nutritional Supplement (MNS)	91
Health Supplements – Short-term nutritional supplement products	6
Health Supplements – Therapies	7
Other – Child care	17
Other – Crisis supplement	59
Other – Family maintenance	4
Other – Hardship	3
Other – Other	71

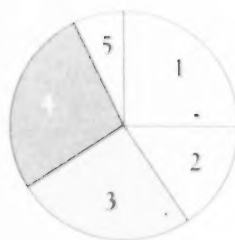
Notices of Appeal received – by region

	Region 1	Vancouver Island	421
	Region 2	Vancouver Coastal	260
	Region 3	Fraser	426
	Region 4	Interior	451
	Region 5	North	120



Geographic Distribution of Cases

☐	Region 1	Vancouver Island	421
☐	Region 2	Vancouver Coastal	260
☐	Region 3	Fraser	426
☒	Region 4	Interior	451
☐	Region 5	North	120



Appeal outcomes

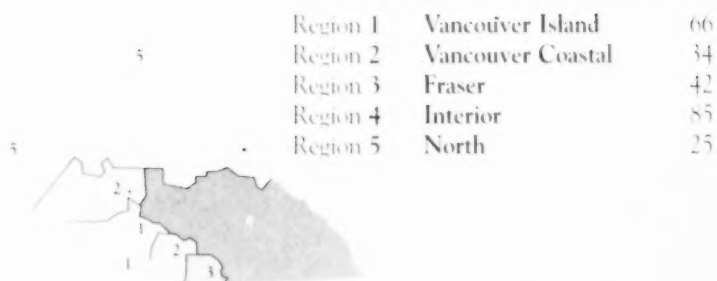
The total number of Notices of Appeal received differs from the number of appeals closed, because of files carried over from the previous year or into the following year, and various other factors. (The number of decisions confirmed and the decisions rescinded do not equal the number of appeals heard for the same reason.) The following statistics relate to appeal files that were closed in 2004/05.

Appeals heard	1,449
Decisions confirmed	891
Decisions rescinded	575

Panel members

Panel members appointed	23
Panel members trained	23
Panel members reappointed	47
Total panel members at September 30, 2005	237

Number of Panel Members by Region



Appeal outcomes

The total number of Notices of Appeal received differs from the number of appeals closed, because of files carried over from the previous year or into the following year, and various other factors. (The number of decisions confirmed and the decisions rescinded do not equal the number of appeals heard for the same reason.) The following statistics relate to appeal files that were closed in 2004/05.

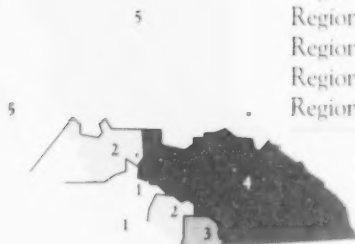
Appeals heard	1,449
Decisions confirmed	891
Decisions rescinded	575

Panel members

Panel members appointed	23
Panel members trained	23
Panel members reappointed	47
Total panel members at September 30, 2005	237

Number of Panel Members by Region

Region 1	Vancouver Island	66
Region 2	Vancouver Coastal	34
Region 3	Fraser	42
Region 4	Interior	85
Region 5	North	25



Judicial Review:

McIntyre v. Employment & Assistance Appeal Tribunal

McIntyre v. Employment & Assistance Appeal Tribunal was a judicial review in the B.C. Supreme Court of a tribunal decision confirming a decision of the former Ministry of Human Resources. The ministry had cancelled coverage for physiotherapy treatment for the petitioner as a result of ineligibility under the Employment and Assistance for Persons with Disabilities Act (EAPWD Act).

The petitioner was 66 years old and had been classified by the ministry as disabled for many years, originally as a handicapped person under the Guaranteed Available Income for Need Act (GAIN Act). In 1991, a tribunal panel had awarded the petitioner "physiotherapy treatments at least twice a week for as long as needed." The petitioner received physiotherapy until 2003, when the ministry advised that under the current legislation, physiotherapy treatments were no longer paid for once a recipient reached age 65. The petitioner filed a request for continuation of the physiotherapy, which resulted in a brief reinstatement, but a cancellation again in June 2004. The ministry denied the petitioner's Request for Reconsideration, and the matter was appealed to the tribunal. In October 2004, a tribunal panel confirmed the ministry's decision.

At the judicial review hearing, the petitioner argued that the panel's decision was patently unreasonable as it embarked on an analysis of the wrong questions – the panel should have considered the decision of the 1991 tribunal rather than the EAPWD Regulations. The petitioner argued that the 1991 tribunal decision was still binding because of a lack of transitional provisions in the EAPWD Act allowing the minister to override decisions made under the GAIN Act.

In June 2005, Madam Justice Russell of the B.C. Supreme Court found that the panel's decision was not patently unreasonable, and that it had properly considered the relevant sections of the legislation: the panel had made a "rational, well-thought-out decision that is based on a reasonable analysis of the relevant evidence and statutory requirements."

OUR VALUES

In carrying out its mission,
the Employment and Assistance
Appeal Tribunal is guided by
the following values:

- Fairness
- Impartiality
- Excellence
- Efficiency
- Timeliness
- Accessibility
- Accountability
- Transparency
- Independence

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3 What Our Decisions Look Like

The role of a tribunal panel is to decide whether the ministry's decision is "reasonably supported by the evidence" or "a reasonable application of the applicable enactment in the circumstances of the person appealing the decision."

Under section 24 of the Employment and Assistance Act, the panel must:

- (a) confirm the decision if the panel finds that the decision being appealed is reasonably supported by the evidence or is a reasonable application of the applicable enactment in the circumstances of the person appealing the decision, and
- (b) otherwise, rescind the decision, and if the decision of the tribunal cannot be implemented without a further decision as to amount, refer the further decision back to the minister.

The panel attempts to reach a unanimous agreement on a decision if possible. There is no requirement that all panel members agree, and panel members may issue separate concurring or dissenting reasons if they feel that is necessary. A decision of a majority of a panel is the decision of the tribunal.

The panel's written decision:

- specifies the decision under appeal
- summarizes the issues and relevant facts considered in the appeal
- sets out the reasons on which the panel based its determination, and
- specifies the outcome of the appeal.

The following are examples of panel decisions made in 2004/05.

Case 1: Medical Equipment and Devices

Ministry's decision	Request for replacement manual wheelchair denied
Summary of facts	Designated as a person with disabilities under the Employment and Assistance for Persons with Disabilities Act, the appellant suffers from achondroplasia and spastic paraplegia. She uses a power wheelchair for most of the day and a manual wheelchair for a short period in the morning and evening in order to access the bathroom. She is able to transfer herself from the manual chair onto her bed, but is

unable to do so from the power wheelchair because of the nature of its construction.

The appellant cares for her elderly father, who is also disabled and has dementia. The appellant pools the homemaker services provided for both her father and herself. In the morning, a homemaker transfers her from her bed to the manual chair, and from the manual chair to the power chair after an hour. Another homemaker comes to prepare the evening meal. A third comes in the evening to transfer the appellant from her power chair to the manual chair.

The current manual wheelchair is a basic chair and does not provide adequate support. The medical evidence showed that the appellant slides forward continually in the chair, causing severe skin irritation and pain. The sliding motion forces the appellant to slant herself in the chair and continually support herself with her right arm to avoid sliding out, which causes cramping and increased pain in her extremities.

The ministry approved a positioning system for the power wheelchair, but it does not fit the current manual wheelchair. However, it would fit the proposed manual wheelchair. The proposed chair would be easier for the appellant to maneuver, reduces sliding, reduces the curvature of her spine and pelvis, and provides superior support for her trunk.

The occupational therapist and the appellant's advocate provided evidence that a manual wheelchair is more than just a backup in case the power wheelchair fails; it gives the appellant some independence in what is a very restricted life situation. It allows her to access her bathroom, where a track-lift aids her transfer to the toilet and bath. The manual wheelchair also gives her the freedom to use her evenings as she pleases, since she can transfer herself from it to her bed.

The ministry gave evidence that its policy is to provide a basic manual chair as a backup in case the power wheelchair needs repair. However, no legislative reference for this policy was provided.

Tribunal's decision	Ministry's decision rescinded
Reasons for decision	The panel found that the medical evidence meets the criteria set out in section 3(1) of the Employment and Assistance for Persons with Disabilities Regulation: an upgraded manual wheelchair has been prescribed by her physician; the manual chair is medically essential for basic mobility within the home; and an occupational and physical therapist have confirmed the need for a replacement manual chair. The positioning device, already approved by the ministry under section 3(1)(d) of the regulation, doesn't fit the current manual wheelchair, but does fit the proposed manual wheelchair. It will alleviate the adverse effects of the appellant having to hold herself upright while in the current manual chair. The appellant uses her manual chair for more than just access to her bathroom and her bed. It provides her with the freedom to choose her evening activities, without having to be put in bed by 9 p.m. when the homemaker leaves. This independence is significant to the appellant and contributes to her quality of life. Without the replacement manual wheelchair, she could not continue this routine safely or without considerable pain, discomfort and medical consequences. Section 8 of the Interpretation Act requires that legislation be given "such fair, large and liberal construction and interpretation as best ensures the attainment of its objects." In this regard, the replacement of the manual wheelchair – to meet the appellant's needs for basic mobility, and to allow her to complete her daily living activities safely, and with as much independence as possible – is necessary. ■

Case 2: Persons with Persistent Multiple Barriers to Employment

Ministry's decision	Appellant does not meet criteria for Person with Persistent Multiple Barriers to Employment (PPMB)
Summary of facts	Seven years after the appellant was first approved for PPMB, the ministry reviewed his file and determined that he was ineligible for continuing PPMB status. The appellant claimed that he had a seizure two years after he was first approved for PPMB, which may have precipitated tinnitus, a condition in which he hears a constant high-pitched noise and experiences excruciating pain in his ears with any sound. His only relief comes during sleep, for which he requires sleeping pills. The appellant also suffers from chronic back pain and depression as a result of the physical and emotional impact this condition has had on his quality of life. All of this information was confirmed by a medical report from the appellant's doctor, which also indicated that as a result of these conditions the appellant is prevented from full-time employment. The appellant has enrolled in a Tinnitus Retraining Therapy program to get assistance in coping with his condition and eventually finding suitable employment in a quiet atmosphere. He has also contacted the Workers' Compensation Board to see if financial assistance is available for him to purchase ear-level noise generators.
Tribunal's decision	Ministry's decision confirmed
Reason for decision	The appellant scored 12 on the ministry's employability screening tool and was therefore required to meet the criteria under section 2(4) of the Employment and Assistance Regulation. Section 2(4) sets out a two-part test. The appellant met the first part of the test because he has a medical condition confirmed by his medical practitioner to have continued for at least one year and likely to continue for two more years. However, the panel found that the appellant does not meet the second part of the test, which requires the medical condition to be a barrier that precludes him from searching for, accepting or continuing in employment. The medical

report fell short of establishing that the appellant is incapable of having any sort of employment, and no further medical evidence was submitted confirming that the appellant is unable to participate in employment in a suitably quiet environment. ■

Case 3: Denture Supplement

Ministry's decision	Request for Denture Supplement denied
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Summary of facts	The appellant experienced several dental problems during the spring and summer of 2004. During this time, he suffered considerably, his health deteriorated significantly, and for all practical purposes he was unemployable due to severe pain and dental infection. He had several extractions before having the rest of his teeth removed in the summer, and was told by his worker that he should be eligible for a dental plate once all his teeth were removed. He originally requested assistance with his dental needs in the spring, at which time he was told the ministry would provide coverage provided the dentist billed within the ministry rates.
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Following the extractions, the appellant informed his worker that the dentist required \$500.00 for impressions for plates, an expense which was not within the limits of coverage available from the ministry and was beyond the means of the appellant to pay. It appears that nothing further happened with respect to the appellant's dentures until summer 2005, when, as a result of continuing deterioration of his health, the appellant made another request for dentures, supported by his physician and dentist. This request was denied on the grounds that it was made outside the six-month time period specified in the legislation. The appellant requested a reconsideration from the ministry, which was also denied on the same grounds.

At the tribunal hearing, the appellant and his advocate took the position that the original request for dentures,

which was made within the allowable timeframe, was never denied but rather abandoned. Both the ministry representative and the appellant's advocate agreed that the appellant had somehow fallen between the cracks and been denied the assistance he obviously required.

Tribunal's decision	Ministry's decision rescinded
Reason for decision	Section 69 of the Employment and Assistance Regulation limits the provision of denture supplements to recipients or their dependants who have had tooth extractions in the last six months because of pain, and those extractions have resulted in the recipient or the dependant requiring a full upper denture, a full lower denture, or both. In this instance, the appellant originally requested assistance with his dental needs very early in the treatment process and within the time period specified in the legislation. He proceeded to have his teeth removed, with the belief, based on information provided by his worker, that the cost would be covered by the ministry provided the dentist worked within ministry rate limits. When confronted with expenditures beyond ministry limits and unable to pay these costs himself, it appears that the appellant and his worker dropped the matter. The appellant was not properly denied his request for assistance. As well, there were other payment options available. The panel found no evidence to indicate that any of this was discussed with the appellant. The panel concluded that the original request for assistance made by the appellant at the time of the extraction of his teeth in 2004 was not properly handled and, as such, was never extinguished. Accordingly, the ministry's denial of assistance with dentures was not reasonably supported by the evidence. ■



Glossary

These are terms that you will find in this report, on our website and in our other materials.

act: the Employment and Assistance Act

advocate: an individual who serves as a spokesperson for one of the parties, typically the appellant

appeal panel: a panel of three persons appointed by the tribunal chair to hear an appeal under the act

appeal record: the information and records that were before the Minister of Employment and Income Assistance when the reconsideration decision under appeal was made

appellant: a person who commences an appeal under section 21 of the act

business day: a day between the hours of 8:30 a.m. and 4:30 p.m. other than Saturday, Sunday or a statutory holiday

independent: the activities of the tribunal are separate and operate at "arms length" from the ministry

minister: the Minister of Employment and Income Assistance

ministry: the Ministry of Employment and Income Assistance

Notice of Appeal: the appeal form that must be submitted to the tribunal in order to commence an appeal

oral hearing: an appeal tribunal hearing that is conducted in the presence of the parties and the panel members or by teleconference

panel chair: the panel member designated by the tribunal chair to chair a specific appeal hearing

party: in relation to an appeal to the tribunal, the appellant and/or the minister whose decision is under appeal

quasi-judicial: an activity, process and/or body that is similar to that of a court of law, but without the formality and structure (judge, lawyers, jury) of a court of law

reconsideration decision: the final ministry decision pertaining to the initial request, and the decision that may be appealed to the Employment and Assistance Appeal Tribunal

representative: an agent, lawyer or advocate representing a party during the appeal

tribunal: the Employment and Assistance Appeal Tribunal established under section 19 of the act

tribunal chair: the chair of the tribunal appointed by the Lieutenant Governor in Council under section 19 of the act

witness: a person who provides evidence at a hearing

written hearing: an appeal tribunal hearing that is conducted through the submission of written documentation

Appendix A: Tribunal Staff

Melrose Boado
Joanne Faulkner
Kimberley Free
Christopher George
Brian Gifford

Shileen Grant
Thomas Guerrero
Tracie Horne
Ida Lindquist
Susan MacKenzie

Glenna McEwen
Deborah Radu
Brenda Rochon
Frances Sasvari
Linda Sturtridge



Appendix B:

Tribunal Panel Members

Region 1 – Vancouver Island

Glenys Parry Blackadder
Deborah Bromley-Anvelt
Noreen Butt
Mac Carpenter
Sheila Colbert-Kerns
David Coombe
Douglas Courtice
Dayle Crawford
Eric Dahli
Janice Dalgarno
Andrea Duncan
James Dunn
Judith Dyrland
Susan Edwards
Thomas Ellwood
Ken Flannagan
Eleanor Gee
Roger Gibson
Martin Golder
Richard Grounds
Peter Gustar
Margaret Haigh
Colin Haime
Zig Hancyk
Leslie Hanes
John Henry
Gina Hepp
Kitty Hoffman
David Indge
Lee Jeffrey
Joyce Johnston
Avo Lepp
Victor Lotto
Richard Macintosh
Layne Marshal
Barry Mayhew
Dick McCarthy

Judith McFarlane
Kathleen McIsaac
Marilyn McNamara
Marilyn McPherson
Rita Parikh
Mary-Ann Pfeifer
Ken Porter
Mohindar Rattan
Les Reid
Bill Robertson
Keith Routley
Phyllis Senay
Paul Skobleniuk
Gail Stewart
Jacquie Tarasoff
Dianne Thomas
Fred Thompson
Guy Verreault
Donovan Walker
Bruce Webber
Raymond Welch
Adrian Westdorp
Ian Wilson

Region 2 – Vancouver Coastal

Kathleen Adams
Gail Brown
Kelly Connell
Anthony Dibley
Alistair Duncan
John Fleming
Bill Frost
Duane Ghastant
Aucoin
Kensi Gouden
Eleanor Gregory
Uli Haag
Allan Hewett

Roy Johnson
Bijou Kartha
Denise LeGrand
Sheri Lindsay
Maureen Mochuk
Ethel Niessen
Margaret Ostrowski
Art Perret
Anna Perry
Louis Peterson
Stu Pike
Claudia Roberts
Maria Shawcross
Robert Soper
Dan Tutti
Elaine Wass
Kenneth Wilson
Alfred Woo
Reece Wrightman

Region 3 – Fraser

Sheila Begg
Richard Bogstie
Richard Brock
Mary Bruce
Marion Campbell
Julia Chapman
Shelley Chrest
David Coulson
Julie Cullen
Simon Cumming
Jean Davidson
Peter Davison
Dean Francey*
Raj-Mohinder Gurm
June Harrison
Carol-Ann Hart
Beverly Kennedy
Alan Kliever

Mebs Lalani
 Donna Leemet
 Allen Lees
 Bernie Leong
 Aart Looye
 Marcia McKay
 Kenneth McMillan
 Raj Mehta
 Maurice Mourtou
 Henry Neufeld
 Larry Plenert
 Andrew Rasheed
 Kundan Sangha
 Christopher Saunders
 Debe Simpson
 Nirmal Singh*
 Trevor Thompsett
 Mark Thorburn
 Corey Van't Haaff
 Lou Vujanich

Region 4 – Interior

Peter Allik-Petersenn
 Frank Armitage
 Jaymie Atkinson
 Lorianne Bennett
 Linda Berg
 Gail Bernacki
 Gus Boersma
 Joy Bullick
 Brenda Campbell
 Dale Carlson
 Bill Carruthers
 Sandra Chapman
 Marguerite Church
 Paula Cooper
 Linda Cross
 Lynda Cunningham
 Kim Darling
 Ingrid Davis
 Bev Deets
 Karl Deibert

Jennifer Dent
 Frank Donahue
 John Dormer
 Cindy Drew
 Nanette Drobot
 Richard Dunsdon
 Barbara Ellemers
 Stewart Enderton
 Denise Fallis
 Bob Fergusson
 Elizabeth Fleet
 Bob Forbes
 Archie Gaber
 Bruce Gardiner
 Maxine Glover
 Peter Grauer
 Larry Grist
 Robert Groves
 Dave Hanna
 Sheila Hart
 Tina Head
 William Heflin
 Bev Hibberson
 Kathleen Higgs
 Brian Hornidge
 Shirley Hutt
 Larry James
 Cindy Lombard
 Gary Lotochinski
 John Lovering
 Doris Low-Renwick
 Mario Macri
 Janet McCoy
 Pamela McKenzie
 Grace Mills Hodgins
 Pierre Morazin
 Wayne Murphy
 Terry Napora
 Finn Nielsen
 Gautam Parghi
 Michael Patterson
 Nora Perchukoff

Mary Pickering
 Glenn Prior
 Larry Rivard
 Kenneth Serl
 Glen Shuttleworth
 Sid Sidhu
 Brian Smith
 Ron Sullivan
 Geoffrey Thomas
 Thomas Thompson
 Robin Tracy
 Tyleen Underwood
 Steve Uzick
 John Wakefield
 Dave Wilbur
 Cindy Wilker
 Joy Williamson
 Paul Wortley
 Heidi Zetzsche

Region 5 – North

Jennifer Anderson
 Kenneth Anderson
 Denene Broza
 Wayne Carkner
 Mary Chen
 Karl Ellingsen
 Bill Farr
 Kerri Fisher
 Catherine Lindseth
 Steven Merrick
 Suzette Narbonne
 Kristina Nielsen
 Lee Ongman
 Bill Oppen
 Delina Petit-Pas
 Andy Roth
 Lorna Sandler
 Michael Schuster
 Andy Shepherd
 Frances Stanley
 Susanne Stushnoff

* Sadly, Dean Francey and Nirmal Singh passed away this year.

Appendix C: Budget Information

Note: The provincial government's fiscal year begins April 1. The tribunal's reporting year begins October 1. Because of significant cuts to the tribunal's budget for the current government fiscal year (2005/06), budget tables are shown for both of the fiscal years that affect the tribunal's report year (October 2004 – September 2005).

April 2004 – March 2005

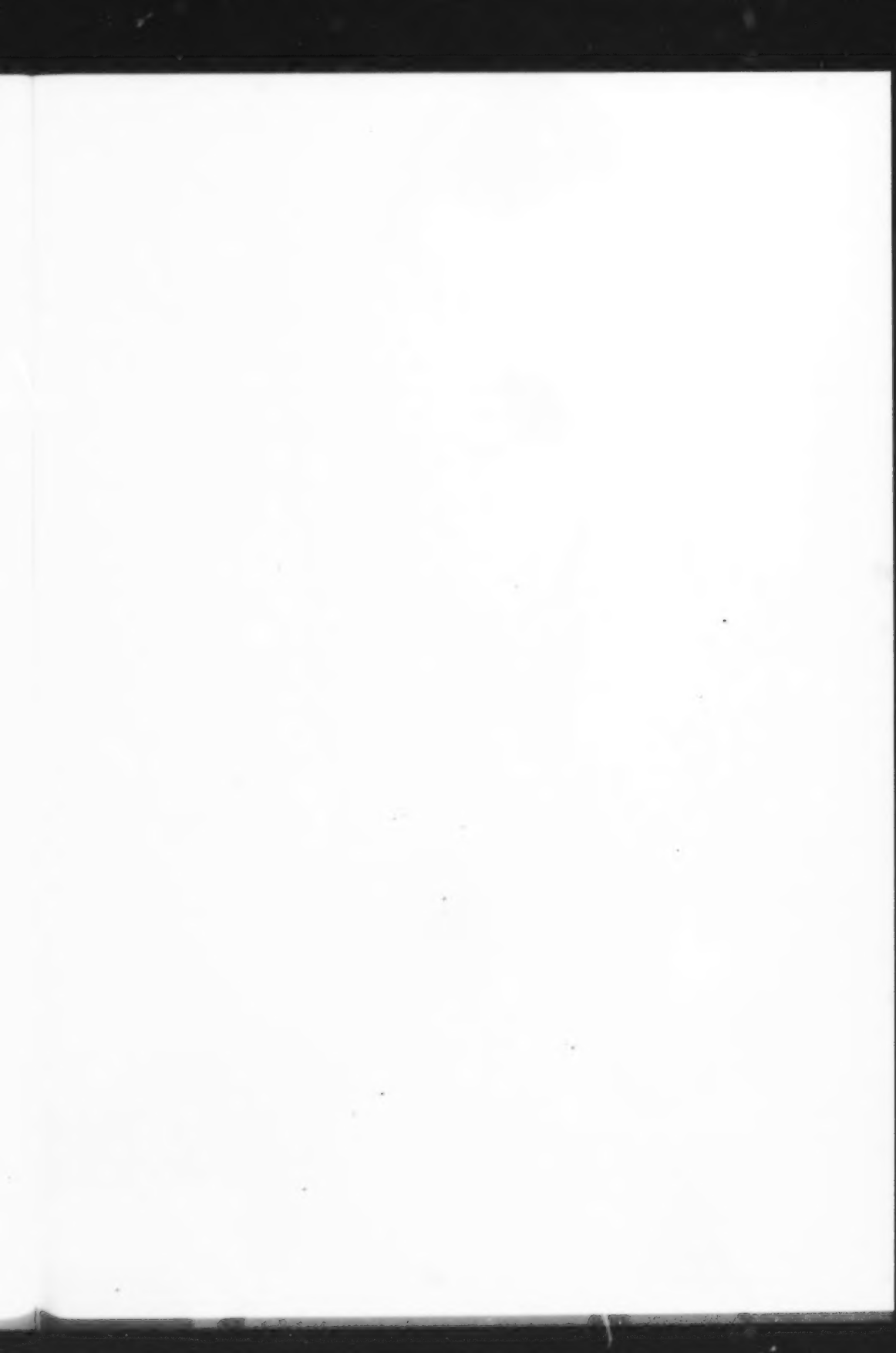
Operating Budget	
Salaries and Benefits	\$857,000
Boards, Fees and Commissions	\$200,000
Staff Travel	\$30,000
Support Services	\$31,000
Professional Services	\$180,000
Information Systems	\$30,000
Office Expenses	\$63,000
Statutory Notices	\$10,000
Facilities	\$96,000
Transfers Under Agreements	\$970,000
Total	\$2,467,000

FTE Allocation: 14

April 2005 – March 2006

Operating Budget	
Salaries and Benefits	\$857,000
Boards, Fees and Commissions	\$150,000
Staff Travel	\$30,000
Professional Services	\$100,000
Information Systems	\$20,000
Office Expenses	\$105,000
Statutory Notices	\$3,000
Facilities	\$96,000
Transfers Under Agreements	\$458,000
Total	\$1,819,000

FTE Allocation: 14



How to Contact Us

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or TTY toll-free at 1-866-356-6264

e-mail us at eaat@gov.bc.ca

visit our website at www.gov.bc.ca/eaat

or ask for a brochure at your local Ministry of
Employment and Income Assistance office

